

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SECURITIES AND EXCHANGE

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COMMISSION,

§

Plaintiff,

§

v.

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Case No.: 4:16-CV-00246

WILLIAM E. MAPP, III,
WARREN K. PAXTON, JR.,
CALEB J. WHITE, and
SERVERGY, INC.

§

Defendants.

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JOINT [PROPOSED] MODIFIED SCHEDULING ORDER

Pursuant to the Court's Order Granting Joint Motion for Continuance (Dkt. #101), the Court modifies its Scheduling Order (Dkt. #36) and its Order Modifying Scheduling Order (Dkt. #42) as follows:

DEADLINES

May 16, 2017

Deadline for Plaintiff to file amended pleadings.
(A motion for leave to amend is required.)

May 16, 2017

Plaintiff's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b)

June 2, 2017

Deadline for Defendant's final amended pleadings.
(A motion for leave to amend is required.)

June 15, 2017

Defendant's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b).

August 1, 2017	Deadline to object to any other party's expert witnesses. Objection shall be made by a motion to strike or limit expert testimony and shall be accompanied by a copy of the expert's report in order to provide the court with all the information necessary to make a ruling on any objection.
September 8, 2017	Date by which the parties shall notify the Court of the name, address, and telephone number of the agreed-upon mediator, or request that the Court select a mediator, if they are unable to agree on one.
September 29, 2017	Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions.
September 30, 2017	Mediation deadline.
October 20, 2017	All discovery shall be commenced in time to be completed by this date.
October 20, 2017	Notice of intent to offer certified records.
October 20, 2017	Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order (See Local Rule CV-16(b)) and Joint Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in non-jury cases).
October 27, 2017	Video Deposition Designation due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross-examination line and page numbers to be included. Counsel must consult on any objections and only those which cannot be resolved shall be presented to the court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the Court's rulings on objections.
November 3, 2017	Motions in limine due. File Joint Final Pretrial Order. (See www.txed.uscourts.gov).

November 17, 2017

Response to motions in limine due.¹

File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order.² (This does not extend the deadline to object to expert witnesses) (Provide the exhibit objected to in the motion or response). If numerous objections are filed the court may set a hearing prior to docket call.

File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).

Date will be set by Court.
Usually within 10 days prior to the Final Pretrial Conference.

If numerous objections are filed the court may set a hearing to consider all pending motions and objections.

December 1, 2017

Final Pretrial Conference at 9:00 a.m. at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas. Date parties should be prepared to try case.

December 4, 2017

9:00 a.m. Jury selection and trial at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.

¹ This is not an invitation or requirement to file written responses. Most motions in limine can be decided without a written response. But, if there is particularly difficult or novel issue, the Court needs some time to review the matter. To save time and space respond only to items objected to. All others will be considered to be agreed. Opposing counsel shall confer in an attempt to resolve any dispute over the motions in limine within five calendar days of the filing of any response. The parties shall notify the court of all the issues which are resolved.

² Within five calendar days after the filing of any objections, opposing counsel shall confer to determine whether objections can be resolved without a court ruling. The parties shall notify the court of all issues which are resolved. The court needs a copy of the exhibit or the pertinent deposition pages to rule on the objection.

Dated: April 28, 2017.

Respectfully submitted,

s/ Matthew J. Gulde

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**ATTORNEYS FOR
WILLIAM E. MAPP, III**

CERTIFICATE OF SERVICE

I certify that on April 27, 2017, I served the foregoing Joint [Proposed] Modified Scheduling Order on all counsel via the court's e-filing system.

/s/ Jason S. Lewis

Jason S. Lewis